

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES SOUTHERLAND,

Plaintiff,

v.

Case No. 04-73365
Honorable Victoria A. Roberts
Magistrate Paul J. Komives

MARY BERGHUIS

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE MAGISTRATE JUDGE**

On June 5, 2006, Magistrate Judge Paul J. Komives submitted a Report and Recommendation [Doc. 36] recommending that the Court Deny Plaintiff's Motion for a Certificate of Appealability. [Doc. 32].

Because the Court has not received objections from either party within the time frame provided for in 28 USC § 636(b)(1) and E.D. Mich. LR 72.1(d)(3), the Court adopts the Magistrate Judge's Report and Recommendation. The Court, therefore, **DENIES** Plaintiff's Motion for Certificate of Appealability.

IT IS SO ORDERED.

S/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: June 27, 2006

The undersigned certifies that a copy of this document was served on the attorneys of record and pro se plaintiff by electronic means or U.S. Mail on June 27, 2006.

S/Carol A. Pinegar
Deputy Clerk